



John T. Auberger
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS

MINUTES

NOVEMBER 16, 2010

General Information:

Work Session: 6:30 p.m.

Meeting: 7:00 p.m.

Roll Call:

Albert F. Meilutis, Chairman

Michelle M. Betters

Diana M. Christodaro

Randy T. Jensen

William F. Murphy

John J. Riley

Keith J. Rockcastle

Christopher A. Schiano, Deputy Town Attorney

Ivana Frankenberger, Planning Assistant

Mary Jo Santoli, Zoning Board Secretary

Absent:

Pledge of Allegiance

Additions/Deletions to the Agenda

Announcements:

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OLD BUSINESS:

- 1. Applicant:** John R. Watkins
Location: 3273 Edgemere Drive
Mon. Co. Tax No.: 026.39-3-3
Zoning District: R1-E (Single-Family Residential)
Request:
- a) An area variance for a proposed house, following demolition of an existing house, to have a front setback of 20.0 ft., (measured from the south right-of-way of Edgemere Drive), instead of the 30.0 ft. minimum required. Sec. 211-11 D (1)(a) & Sec. 211-11 D (2), Table I
 - b) An area variance for a proposed house, following demolition of an existing house, to have a rear setback of 23.1 ft., instead of the 27.0 ft. minimum required. Sec. 211-11 D (2), Table I
 - c) An area variance for proposed lot coverage of 30%, instead of the 25% maximum permitted. Sec. 211-11 D (2), Table I

Ms. Christodaro offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 3273 Edgemere Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(9), (12) & (13) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

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Seconded by Mr. Riley and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes
Mr. Rockcastle	Yes		

Motion Carried

Ms. Christodaro then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of John R. Watkins, 3273 Edgemere Drive, John Watkins appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed house, following demolition of an existing house, to have a front setback of 20.0 ft., (measured from the south right-of-way of Edgemere Drive), instead of the 30.0 ft. minimum required, an area variance for a proposed house, following demolition of an existing house, to have a rear setback of 23.1 ft., instead of the 27.0 ft. minimum required and an area variance for proposed lot coverage of 30%, instead of the 25% maximum permitted.

WHEREAS, the applicant is here along with his representative, Dave Matt from Schultz Associates. Currently, the home at this property is a rental. He will be building a new home, which is on the existing footprint of the existing home. The applicant wishes to tear down the existing residential structure and construct a single-family residence at 3273 Edgemere Drive. The applicant provided testimony regarding the costs involved with bringing the home up to code, as well as rebuilding the home by doing a full teardown and then rebuilding the home. There were no neighbors that were present to oppose anything in this project, but a few did attend the previous meeting of November 3rd to support the application. At the Board's request, the applicant did come back with some financials to satisfy the Board with regard to whether or not he can build a home at this location that would be within code and not be too substantial of an increase from what is currently there. The staff does have the backup to all of those financials and in my opinion he has satisfied what the Board was looking for. The existing front setback currently is 16.3 ft. and he is requesting a 20 ft. setback; as I stated before, all the setbacks are similar to what is existing today.

WHEREAS, the Board of Zoning Appeals shall consider the benefit to the applicant weighed against the detriment to the health, safety and welfare of the neighborhood or community using the following criteria:

1. Will an undesirable change be produced in the character of the neighborhood, or will it be a detriment to nearby properties should this variance be granted? In this area on Edgemere Drive, many of these homes used to be cottages; many of them also have been rebuilt for year-round homes. The lots are small and it is not uncommon for setback variances and lot coverage variances to be applied for and granted.
2. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue. The applicant is attempting to build a nicer property, which will definitely bring character to the neighborhood and make it more aesthetically pleasing.

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3. The requested area variance is not substantial. As I mentioned before, it is not uncommon for homes in this area to be rebuilt or to have variances with them. He is keeping consistent with setbacks that currently are existing.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or the district. It is my opinion that there will be none; the homes existed like this for a number of years.
5. And while the alleged difficulty could be considered self-created, which consideration is relevant to the decision of the Board, it shall not necessarily preclude the granting of this area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application.

Seconded by Mr. Riley and duly put to a vote, which resulted as follows:

**Ms. Betters
Mr. Jensen
Mr. Murphy
Mr. Rockcastle**

**Yes
Yes
Yes
Yes**

**Ms. Christodaro
Mr. Meilutis
Mr. Riley**

**Yes
Yes
Yes**

**Motion Carried
Application Approved**

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- 2. Applicant:** Texas Roadhouse
Location: 1946 & 1960 West Ridge Road
Mon. Co. Tax No.: 074.15-11-27 & 074.16-2-22
Zoning District: BR (Restricted Business)
Request:
- a) An area variance for a proposed freestanding restaurant to have a front setback 60.6 ft., measured from the west right-of-way line of Latona Road (aka Fetzner Road), instead of the 85.0 ft. minimum required. Sec. 211-17 B (4), Table III
 - b) An area variance for 378 parking spaces instead of the 609 parking spaces required. Sec. 211-45 N(3)(B); Sec. 211-45 N (4); Sec. 211-45 P; Sec. 211-45 Q; Sec. 211-45 S (1); Sec. 211-45 Z
 - c) An area variance for proposed lot coverage of 22.9%, instead of the 15% maximum permitted. Sec. 211-17 B (4), Table III
 - d) An area variance for a proposed second (south side) building-mounted sign, with a sign area of 229.8 sq. ft., instead of the one (1) 50.0 sq. ft. building-mounted sign permitted. Sec. 211-52 B (2)(a)[1] & Sec. 211-52 B (2)(c)[1], Table VII

On a motion by Ms. Christodaro and seconded by Mr. Jensen, it was resolved to close the public hearing on this application and reserve decision until the meeting of December 7, 2010.

**Ms. Betters
Mr. Jensen
Mr. Murphy
Mr. Rockcastle**

**Yes
Yes
Yes
Yes**

**Ms. Christodaro
Mr. Meilutis
Mr. Riley**

**Yes
Yes
Yes**

**Motion Carried
Application Closed
And Decision Reserved
Until Meeting of
December 7, 2010**

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NEW BUSINESS:

- 1. Applicant:** Sherri L. McCarthy
Location: 369 Stone Road
Mon. Co. Tax No.: 060.82-7-2
Zoning District: R1-E (Single-Family Residential)
Request:
- a) An area variance for an existing roof-covered patio to have a (west) side setback of approximately 4.0 ft., instead of the 6.0 ft. minimum required. Sec. 211-11 E (1), Table I
 - b) An area variance for an existing shed (15.6 ft. x 10.0 ft.; 156.0 sq. ft.) to have a (west) side setback of 1.6 ft., instead of the 4.0 ft. minimum required. Sec. 211-11 E (1), Table I
 - c) An area variance for an existing shed (15.6 ft. x 10.0 ft.; 156.0 sq. ft.) to have a (south) side setback of 1.6 ft., instead of the 4.0 ft. minimum required. Sec. 211-11 E (1), Table I

Ms. Betters offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 369 Stone Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) & (12) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes
Mr. Rockcastle	Yes		

Motion Carried

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Ms. Betters then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Sherri L. McCarthy, 369 Stone Road, Sherri McCarthy and her husband, Mike, appeared before the Board of Zoning Appeals this evening requesting an area variance for an existing roof-covered patio to have a (west) side setback of approximately 4.0 ft., instead of the 6.0 ft. minimum required; an area variance for an existing shed (15.6 ft. x 10.0 ft.; 156.0 sq. ft.) to have a (west) side setback of 1.6 ft., instead of the 4.0 ft. minimum required; and an area variance for an existing shed (15.6 ft. x 10.0 ft.; 156.0 sq. ft.) to have a (south) side setback of 1.6 ft., instead of the 4.0 ft. minimum required.

WHEREAS, the applicant states that she is here before the Board tonight because she was sited from Code Compliance, and she testified that the shed and the covered patio were there when she purchased the home approximately five years ago. The staff has stated that there are stairs located or attached that go up to a second story roof deck and these stairs would have to be torn down as a condition of this variance being granted. The shed that is on the property is located close to the neighboring property or building and would have to come up to code in order for this variance to be granted also.

WHEREAS, after considering the five points when determining an area variance, it is my opinion that an undesirable change will not be produced in the character of the neighborhood, nor will it be a detriment to the nearby properties should this variance be granted. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue. The requested area variance is not substantial. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or the district. The alleged difficulty was self-created, which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of this area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application with the following conditions:

1. That the proper permits be obtained for the shed and that the shed be brought up to code on the west and south side.
2. That a Hold Harmless agreement be signed by the applicant.
3. That this approval is for the life of the shed.
4. And also that the stairs that lead up to the roof deck be removed by May 31, 2011.

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Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:

**Ms. Betters
Mr. Jensen
Mr. Murphy
Mr. Rockcastle**

**Yes
Yes
Yes
Yes**

**Ms. Christodaro
Mr. Meilutis
Mr. Riley**

**Yes
Yes
Yes**

**Motion Carried
Application Approved
With Conditions**

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- 2. Applicant:** Beverly A. Bell
Location: 77 Shoreway Drive
Mon. Co. Tax No.: 026.03-2-21
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for an existing house, located on a waterfront lot, to have a front setback of 85 ft. (as measured from the right-of-way line of Shoreway Drive), instead of the 66 ft. maximum established by the neighborhood average. Sec. 211-11 D (2), Table I
b) An area variance for an existing, enclosed screened porch (12.0 ft. x 21.0 ft.; 252.0 sq. ft.) to be located approximately 2.0 ft. from an existing in-ground pool, instead of the 10.0 ft. minimum required. Sec. 184-5 A (2)

Mr. Rockcastle offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 77 Shoreway Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(9), (10), (12) & (13) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

Seconded by Ms. Betters and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes
Mr. Rockcastle	Yes		

Motion Carried

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Mr. Rockcastle then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Beverly A. Bell, 77 Shoreway Drive, Eric Bassett, on behalf of Ms. Bell, appeared before the Board of Zoning Appeals this evening requesting an area variance for an existing house, located on a waterfront lot, to have a front setback of 85 ft. (as measured from the right-of-way line of Shoreway Drive), instead of the 66 ft. maximum established by the neighborhood average; and an area variance for an existing, enclosed screened porch (12.0 ft. x 21.0 ft.; 252.0 sq. ft.) to be located approximately 2.0 ft. from an existing in-ground pool, instead of the 10.0 ft. minimum required.

WHEREAS, the applicant appeared before the Board and gave testimony that they have lived in the house for approximately six months and the screened in porch and the addition, which was put on at some time unknown to them at what date or how long ago that that was done, the addition is driving the setback of 85 ft., and the porch is driving the variance for being too close to the pool. Also, the pool and the deck were installed sometime prior to 1986, before the code changed from lakefront to waterfront; therefore, they are considered legal, preexisting structures. With regard to the request of item "A," the back portion of the home, considered the front, adjacent to the deck, had an addition put on sometime after 1986; no permits had been found. With regard to the second variance, the screened-in porch, there are no permits or variances that have been found for the screened-in porch, it is of basic construction with a roof and rafters, asphalt shingles, screening and a concrete slab floor. Also, the applicant, Mr. Bassett, expressed that there would be a significant financial burden to the applicant if a variance was not granted. It would be a hardship for them to remove the addition and the screened-in porch to bring it back into compliance.

WHEREAS, after considering the five points when determining an area variance, it is my opinion that by granting the above mentioned variance, an undesirable change will not be produced in the character of the neighborhood nor will it be a detriment to the nearby properties, should this variance be granted. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue. The requested area variance is not substantial. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or the district. The alleged difficulty was self-created, which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of this area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, be it resolved that I move to approve this application with the following conditions:

1. That a Hold Harmless agreement with the Town be signed concerning the porch roof and the close proximity to the pool.
2. That the porch will not be enclosed at any time; it can remain as a screened-in porch, but not as a permanent structure permanently.

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3. That no heat or electricity will be in the porch.

Seconded by Ms. Betters and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes
Mr. Rockcastle	Yes		

Motion Carried
Application Approved
With Conditions

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- 3. Applicant:** Frances L. Lana
Location: 4559 Dewey Avenue
Mon. Co. Tax No.: 046.10-8-20
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for an existing shed (8.0 ft. x 10.0 ft.; 80.0 sq. ft.) to be located in a front yard, where accessory structures, including sheds, are permitted in rear yards only. Sec. 211-11 E (3)

Mr. Murphy offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 4559 Dewey Avenue, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

Seconded by Mr. Rockcastle and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes
Mr. Rockcastle	Yes		

Motion Carried

Mr. Murphy then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Frances L. Lana, 4559 Dewey Avenue, Ms. Lana appeared before the Board of Zoning Appeals this evening requesting an area variance for an existing shed (8.0 ft. x 10.0 ft.; 80.0 sq. ft.) to be located in a front yard, where accessory structures, including sheds, are permitted in rear yards only.

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WHEREAS, the applicant testified that she is in the process of selling the home; she stills occupies the home and will be closing in November. She has been living in the home since 1988 and this variance came about due to the selling of the home. The shed has been in the present location for approximately 10 years. The applicant has stated that the shed is in good shape and that it stores her lawn mower, lawn furniture and lawn equipment. There is no electric or water run to the shed, and the shed is constructed of two-by-fours and plywood. The shed is on four-by-fours. The applicant did state that it would be a financial hardship for her to move the shed to the rear of the residence, and she also said that the reason that she put the shed in the front yard was due to the back yard being wet and wouldn't accommodate the shed. Also, there was a neighbor that was in support of having the shed in the present location.

WHEREAS, after considering the five points when determining an area variance, it is my opinion that an undesirable change will not be produced in the character of the neighborhood nor will it be a detriment to the nearby properties, should this variance be granted. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue. The requested area variance is not substantial. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or the district. Although the alleged difficulty was self-created, which consideration is relevant to the decision of the Board, it shall not necessarily preclude the granting of this area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application with the following conditions:

1. That this approval be for the life of the shed, and that no other shed be placed at that location once this shed is gone.
2. And that a Hold Harmless agreement be signed with the Town due to the location of the shed to the sidewalk.

Seconded by Mr. Rockcastle and duly put to a vote, which resulted as follows:

Ms. Betters
Mr. Jensen
Mr. Murphy
Mr. Rockcastle

Yes
Yes
Yes
Yes

Ms. Christodaro
Mr. Meilutis
Mr. Riley

Yes
Yes
Yes

Motion Carried
Application Approved
With Conditions

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- 4. Applicant:** Brett and Kim Clark
Location: 170 El Rancho Drive (aka 265 Arlidge Drive)
Mon. Co. Tax No.: 075.10-7-12
Zoning District: R1-E (Single-Family Residential)
Request: A special use permit for a proposed in-law apartment. Sec. 211-11 C (2)(e)

Mr. Jensen offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 170 El Rancho Drive (aka 265 Arlidge Drive), as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development, the Town of Greece Environmental Board, and the Town's own staff.
7. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.

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10. The Board of Zoning Appeals carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Board of Zoning Appeals carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
12. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
13. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:

Ms. Betters
Mr. Jensen
Mr. Murphy
Mr. Rockcastle

Yes
Yes
Yes
Yes

Ms. Christodaro
Mr. Meilutis
Mr. Riley

Yes
Yes
Yes

Motion Carried

Mr. Jensen then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Brett and Kim Clark, 170 El Rancho Drive (aka 265 Arlidge Drive), Kim Clark and Mr. Scott Dueker, representing the Clarks, appeared before the Board of Zoning Appeals this evening requesting a special use permit for a proposed in-law apartment.

WHEREAS, they stated that they have lived at 170 El Rancho Drive, also known as 265 Arlidge Drive, for the past 14 years. They are constructing this in-law apartment for Kim Clark's mother. The size of the apartment will be 453 sq. ft.; they will be adding an addition to the residence for additional room. They also stated that the utilities will not be separated; it will be all one for one residence. They also stated that the mother does have a vehicle and they do have a two-car driveway, so it will not cause any problem with parking of the vehicles. The addition and the in-law apartment will have matching siding and shingles to match the existing house.

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WHEREAS, the standards for a Special Use Permit:

1. Access to the site and the size of the site are adequate for the proposed use. The applicant stated that the in-law apartment is going to be 453 sq. ft., which is less than the 473 sq. ft. that is maximum permitted and the lot area can easily accommodate the size of the in-law addition.
2. The proposed use will not adversely affect the orderly pattern of development in the area. This is primarily a neighborhood with a two lane highway and this in-law apartment will be part of the single-family residence.
3. The nature, duration and intensity of the operations which are involved in or conducted in connection with the proposed use will be in harmony with nearby uses and will not alter the essential character of the neighborhood nor be detrimental to the residents thereof.
4. The proposed use will not create a hazard to health, safety or the general welfare.
5. The proposed use will not be detrimental to the flow of traffic, the family's vehicles and also being a two lane highway there should not be any traffic flow problems.
6. The proposed use will not place an excessive burden on public improvements, facilities, services or utilities since they have just one utility service.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial;

WHEREAS, I move to approve this application with the following conditions:

1. That the in-law apartment cannot be rented out.
2. The special permit is not transferable.
3. And every three years there needs to be a certification signed with the Town as far as who is living there.

Seconded by Ms. Betters and duly put to a vote, which resulted as follows:

Ms. Betters
Mr. Jensen
Mr. Murphy
Mr. Rockcastle

Yes
Yes
Yes
Yes

Ms. Christodaro
Mr. Meilutis
Mr. Riley

Yes
Yes
Yes

Motion Carried
Application Approved
With Conditions

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- 5. Applicant:** Park Ridge Free Methodist Church
Location: 10 Straub Road
Mon. Co. Tax No.: 089.05-8-5.1
Zoning District: R1-12 (Single-Family Residential)
Request: An area variance for a proposed freestanding sign to have an overall area of 60.0 sq. ft., instead of the 25.0 sq. ft. maximum permitted. Sec. 211-52 A (2)(c)

On a motion by Mr. Murphy and seconded by Ms. Christodaro, it was resolved to continue the public hearing on this application until the meeting of December 7, 2010 in order to give the applicant time to gather more information that staff has requested concerning his application.

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes
Mr. Rockcastle	Abstain		

**Motion Carried
Application Continued
Until Meeting of
December 7, 2010**

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- 6. Applicant:** Faber Construction Company & Forest Creek Equity Corporation
Location: 217 Janes Road & 64 Wycombe Place
Mon. Co. Tax No.: 045.08-1-2 & 045.08-1-17
Zoning District: RMH (Multiple-Family Residential)
Request: a) An area variance for a proposed freestanding sign identifying a model home or the temporary location of a builder's office to have an overall area of 32.0 sq. ft., instead of the 2.0 sq. ft. permitted. Sec. 211-52 A (4)
b) An area variance for a proposed freestanding entrance identification sign, to have an overall area of 24.0 sq. ft. and an overall height of 5.9 ft., where such sign shall not be greater than 20.0 sq. ft., in size and the highest side of such sign shall not exceed 3.0 ft. in height. Sec. 211-52 A (3); Sec. 211-52 A (3)(c) & Sec. 211-52 A (3)(d)

Mr. Riley offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 217 Janes Road & 64 Wycombe Place, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development, the Town of Greece Environmental Board, and the Town's own staff.

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7. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
10. The Board of Zoning Appeals carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Board of Zoning Appeals carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
12. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
13. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

Seconded by Ms. Betters and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes
Mr. Rockcastle	Yes		

Motion Carried

Mr. Riley then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Faber Construction Company & Forest Creek Equity Corporation, 217 Janes Road & 64 Wycombe Place, Shana Lasher appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed freestanding sign identifying a model home or the temporary location of a builder's office to

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have an overall area of 32.0 sq. ft., instead of the 2.0 sq. ft. permitted; and an area variance for a proposed freestanding entrance identification sign, to have an overall area of 24.0 sq. ft. and an overall height of 38 in., where such sign shall not be greater than 20.0 sq. ft., in size and the highest side of such sign shall not exceed 3.0 ft. in height.

WHEREAS, findings and facts are as follows for this application: Ms. Shana Lasher, representing Faber Construction, appeared before the Board this evening basically speaking to the facts of the case describing that item "A" is a request for a temporary sign to be placed within close proximity to the model home of this new development that is going in; it is on the south side of Janes Road just west of Island Cottage. This temporary sign is 32 sq. ft. wood construction. There are no setback issues whatsoever with this sign; these signs are also common throughout town when similar developments are being built. The applicant did state that they may put some very low-intensity solar nightlights in the area for the temporary sign and further, the sign itself does not appear to obstruct any views for any motorists or any pedestrians that may be traveling in the area. Item "B" on the application is an entrance identification sign, permanent. There is going to be landscaping provided around this sign and there is going to be some low-intensity nightlights of the solar variety provided. Basically, the name of the subdivision will appear on this entrance identification sign. Similar to item "A," there are no setback issues and the sign in the location proposed does not appear to obstruct any views for any motorists or pedestrians traveling in the area.

WHEREAS, I am prepared to approve this application as submitted with one condition: That is that item "A," the temporary model home identification sign, will have a 24-month time limit imposed or until the subdivision fully built out, whatever occurs first.

Seconded by Ms. Betters and duly put to a vote, which resulted as follows:

Ms. Betters
Mr. Jensen
Mr. Murphy
Mr. Rockcastle

Yes
Yes
Yes
Yes

Ms. Christodaro
Mr. Meilutis
Mr. Riley

Yes
Yes
Yes

Motion Carried
Application Approved
With Condition

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- 7. Applicant:** Farash Corporation
Location: 0 Andover Street
Mon. Co. Tax No.: 075.63-1-1.1
Zoning District: RMH (Multiple-Family Residential)
Request: An area variance for a proposed second freestanding entrance identification sign to have an overall area of 24.0 sq. ft. and an overall height of 5.5 ft., where such sign shall not be greater than 20.0 sq. ft. in size and the highest side of such sign shall not exceed 3.0 ft. in height and where only one freestanding entrance identification sign is permitted. Sec. 211-52 A (3); Sec. 211-52 A (3)(c) & Sec. 211-52 A (3)(d)

Mr. Riley offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 0 Andover Street, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development, the Town of Greece Environmental Board, and the Town's own staff.
7. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.

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8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
10. The Board of Zoning Appeals carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Board of Zoning Appeals carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
12. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
13. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes
Mr. Rockcastle	Yes		

Motion Carried

Mr. Riley then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Farash Corporation, 0 Andover Street, William Duchano appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed second freestanding entrance identification sign to have an overall area of 24.0 sq. ft. and an overall height of 5.5 ft., where such sign shall not be greater than 20.0 sq. ft. in size and the highest side of such sign shall not exceed 3.0 ft. in height and where only one freestanding entrance identification sign is permitted.

WHEREAS, findings and facts are as follows, Mr. William Duchano from the Cabot Group, which represents the Farash Corporation, appeared this evening and spoke to the

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merits of the case. Mr. Duchano described the re-branding of what was formerly known as Holyoke Park Apartments to what is now known as Greece Commons Apartments. In doing so, they have chosen to place signage on Andover Street. Andover Street has served and will continue to serve as the main entrance for the complex, and it also bears the proper address for the apartment complex as a whole. In discussion with the applicant and Town staff, it was discovered that the complex already has two freestanding signs; this proposed sign would bring that number to three. At the meeting, Mr. Duchano immediately agreed to eliminate one of the current existing signs, thereby keeping the number at two. To explain further, the existing sign on Holyoke Street, the sign that exists today, will be eliminated; the existing sign on the Glenora Drive side of the complex, which is also known as the rear of the complex, will remain; and the proposed new sign on Andover Street will continue as applied for in this application. There was also further discussion. One neighbor from Andover Street spoke of some safety concerns with traffic on Andover, and they also spoke against the proposed sign. It was also learned that there is a temporary-type sign on a telephone pole near Andover Street and Bonesteel Street, which the applicant has agreed to remove as soon as possible. The applicant further spoke to the fact that the proposed sign will not impact other neighbors on and around Andover Street.

WHEREAS, it is my opinion that an undesirable change will not be produced in the character of the neighborhood nor will it be a detriment to the nearby properties, should this variance be granted. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue. The requested area variance is not substantial. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or the district. And although the alleged difficulty was self-created, which consideration is relevant to the decision of the Board, it shall not necessarily preclude the granting of this area variance.

WHEREAS, I will move to approve the application with the following conditions:

1. That the sign on the Holyoke side be removed before a permit is granted for the new sign that was approved.
2. Also that the temporary sign be removed prior to them applying for a permit.

Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:

Ms. Betters
Mr. Jensen
Mr. Murphy
Mr. Rockcastle

Yes
Yes
Yes
Yes

Ms. Christodaro
Mr. Meilutis
Mr. Riley

Yes
Yes
Yes

Motion Carried
Application Approved
With Conditions

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- 8. Applicant:** Zebb's Star, LLC
Location: 300 Center Place Drive
Mon. Co. Tax No.: 074.20-1-15
Zoning District: BR (Restricted Business)
Request: a) A special use permit for three (3) proposed lighted building-mounted signs (8.41 ft. x 12.0 ft.; 102.0 sq. ft. "Zebb's"; 1.8 ft x 4.5 ft.; 8.2 sq. ft. "Zebb's"; 1.8 ft. x 21.5 ft.; 38.7 sq. ft. "Deluxe Grill & Bar"), to be located on the east side of the building, pursuant to Town Board SEQRA Findings Statement Resolution, dated June 4, 1991, Mitigation Measure 3.20
b) An area variance for a proposed fourth (east side) building-mounted sign, with a sign area of 38.7 sq. ft. ("Deluxe Grill & Bar"), with an overall total sign area of 250.9 sq. ft., where three (3) building-mounted signs totaling 284.0 sq. ft. were granted by the Board of Zoning Appeals on February 15, 2000. Sec. 211-52 B(2)(a)[1]& Sec. 211-52 B (2)(c)[1], Table VII

Ms. Christodaro offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 300 Center Place Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested

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agencies, including but not limited to the Monroe County Department of Planning and Development, the Town of Greece Environmental Board, and the Town's own staff.

7. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
10. The Board of Zoning Appeals carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Board of Zoning Appeals carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
12. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
13. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:

Ms. Betters
Mr. Jensen
Mr. Murphy
Mr. Rockcastle

Yes
Yes
Yes
Yes

Ms. Christodaro
Mr. Meilutis
Mr. Riley

Yes
Yes
Yes

Motion Carried

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Ms. Christodaro then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Zebb's Star LLC, 300 Center Place Drive, Brian Bergeron, the owner, appeared before the Board of Zoning Appeals this evening requesting a special use permit for three (3) proposed lighted building-mounted signs (8.41 ft. x 12.0 ft., 102.0 sq. ft. "Zebb's"; 1.8 ft x 4.5 ft., 8.2 sq. ft. "Zebb's"; 1.8 ft. x 21.5 ft., 38.7 sq. ft. "Deluxe Grill & Bar"), to be located on the east side of the building, pursuant to Town Board SEQRA Findings Statement Resolution, dated June 4, 1991, Mitigation Measure 3.20 and an area variance for a proposed fourth (east side) building-mounted sign, with a sign area of 38.7 sq. ft. ("Deluxe Grill & Bar"), with an overall total sign area of 250.9 sq. ft., where three (3) building-mounted signs totaling 284.0 sq. ft. were granted by the Board of Zoning Appeals on February 15, 2000.

WHEREAS, the applicant testified that this is a new restaurant that is proposed in a vacant building on Center Place Drive. The building is difficult to locate and access, more so access, due to the layout of the site and the location of the entrance; there is no entrance to this site on Ridge Road. The previous tenant was granted three signs at 284 sq. ft. and in my opinion is probably due to the complexity of getting to this site. The applicant testified they're proposing four building-mounted signs: one on the west side at 102 sq. ft.; three on the east side—one at 102 sq. ft., one at 8.28 sq. ft. and the third at 38.7 sq. ft. These three east side building-mounted signs will be illuminated, they will be lit everyday, but they will be turned off one hour after close of business and turned back on the start of business the next day. The applicant testified that during Sundays through Thursdays, the business will be open till 11:00 p.m. and on the weekends (Friday and Saturday nights), the business will be open till midnight.

WHEREAS, we went over the six standards for the Special Use Permit and in my findings of fact is the testimony.

NOW, THEREFORE,

Based on the aforementioned information, documentation, testimony, and finding, pursuant to the authority conferred by New York State Town Law, Article 16, the request submitted by Zebb's Star LLC for a special use permit for restaurant signage, for Zebb's, on property located at 300 Center Place Drive, in a BR district, hereby be and the same is approved and granted, subject to the following conditions:

1. The Applicant shall operate the restaurant signage in conformity with all details of the Proposal as presented in the written descriptions and site development plans of the Proposal, as orally described at the Hearing, and as set forth herein. In the event of any conflict among the oral or written descriptions of the Proposal, the site development plans of the Proposal, or the requirements or restrictions of this resolution, the Board of Zoning Appeals, in its sole discretion and judgment and without hearing, shall determine the resolution of such conflict.
2. The Applicant shall comply with all requirements of the Code of the Town of Greece, New York, Chapter 211, the town's zoning ordinance, or any variance granted therefrom. Failure to comply with these requirements for signage may be grounds for revocation of this special use permit.
3. The Applicant shall comply with all signage requirements of the Town's staff relative to local laws, ordinances, codes, rules, and regulations, and the Building Codes of New York State. Failure to comply with these signage requirements may be grounds for revocation of this special use permit.
4. Wherever this resolution refers to a specific public official or agency, it shall be construed to include successors and assigns.

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5. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any superseding or succeeding authority.
6. Upon the sale or transfer of controlling interest in this restaurant to any person or entity other than Zebb's Starr, LLC, its wholly owned subsidiaries, or its franchisees, a new application for a special use permit for signage must be submitted to the Board of Zoning Appeals.

WHEREAS, with regard to the fourth building-mounted sign, it is my opinion that an undesirable change will not be produced in the character of the neighborhood nor will it be a detriment to the nearby properties, should this variance be granted. The benefit sought by the applicant can't be achieved by some other method feasible for the applicant to pursue, based on his testimony. They don't believe that the requested area variance is substantial; it is less square footage of signs than was previously granted in 2000. The proposed variance will not have an adverse impact on the physical or environmental conditions in the neighborhood or the district. And while the alleged difficulty could be considered self-created, which consideration is relevant to the decision of the Board, it shall not necessarily preclude the granting of this area variance.

WHEREAS, I am going to move to approve the application as submitted with one condition, and that is that this approval is for this tenant only.

Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

**Ms. Betters
Mr. Jensen
Mr. Murphy
Mr. Rockcastle**

**Yes
Yes
Yes
Yes**

**Ms. Christodaro
Mr. Meilutis
Mr. Riley**

**Yes
Yes
Yes**

**Motion Carried
Application Approved
With Condition**

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- 9. Applicant:** 2390 West Ridge, LLC
Location: 2390 West Ridge Road
Mon. Co. Tax No.: 074.14-2-22.2
Zoning District: BR (Restricted Business)
Request: An area variance for a proposed (south side) building-mounted sign, with a sign area of 144.6 sq. ft., instead of the one 50.0 sq. ft. building-mounted sign permitted. Sec. 211-52 B(2)(a) [1] & Sec. 211-52 B(2)(c)[1], Table VII

Mr. Meilutis offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 2390 West Ridge Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development, the Town of Greece Environmental Board, and the Town's own staff.
7. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.

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9. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
10. The Board of Zoning Appeals carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Board of Zoning Appeals carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
12. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
13. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

Seconded by Mr. Riley and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes
Mr. Rockcastle	Yes		

Motion Carried

Mr. Meilutis then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of 2390 West Ridge , LLC, 2390 West Ridge Road, Mr. Pat Bassett appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed (south side) building-mounted sign, with a sign area of 144.6 sq. ft., instead of the one 50.0 sq. ft. building-mounted sign permitted.

WHEREAS, during the course of the application the applicant testified that he has one tenant that will be occupying the complete building in the front facing West Ridge Road; identified on the signage that was presented tonight is that of Men's Wearhouse. The applicant said that the Men's Wearhouse would be the sole tenant in there. There is no intent to put any other signage on the face of the building itself, front elevation of the building, other than Men's Wearhouse signage that has been presented to the Board this

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evening for consideration for a variance. Further, the applicant, during the course of discussion, offered and agreed to the Board that, if this application were granted, he would limit other tenants in the lower level of the building and prohibit them from parking vehicles that identify the businesses in the lower level in the upper parking lot, especially in the area close to the road. Those tenants would be identified on the pylon sign as previously addressed by the Board and not through vehicular advertising as we occasionally see along West Ridge Road. The applicant did say that there may be some directional signages or some other signages that would come up that is not before this Board, but the main concern with this Board this evening is that of the south elevation of the new proposed building identified as Men's Wearhouse. The applicant further testified that he has revamped the drawing from what we have before us tonight so that the sign panel will be more fitting to the words "Men's Wearhouse," instead of looking like it sprawls across two columns, left and right of the store front entrance, centered to the building. The applicant, during the course of his testimony, said that the sign panel where the words "Men's Wearhouse" will actually fill out and incorporate the words, "Men's Wearhouse." He is not looking to have it run on top of the columns, but rather on a flat-planed sign panel that will exist on the building. The drawing that was presented tonight makes it look like there is a column on the left and right side of the store front. That's being revamped so that this sign will fit and look like the sign belongs, rather than the sign being larger than what it was intended to be fitted to.

WHEREAS, on the main motion, the Board has to consider five statutory factors regarding this application on the area variance.

1. An undesirable change will not be produced in the character of the neighborhood nor will it be a detriment to nearby properties, should this area variance be granted. It's clearly been established along the West Ridge Road corridor that commercial signs exceeding code have been granted on nearby properties to the subject parcel.
2. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue other than by area variance. The applicant has testified that for this particular application, the tenant that is signing the lease is looking for significant identification. While he is looking for significant identification, it is important that the Board recognizes that this is a one-tenant upper floor, street level, I'll call it, tenant. If this were split up into multiple tenants, the actual signage permitted on this building would be far greater than what's being requested under this application. Signage is relevant to the success of a business and, in this particular case, this particular tenant occupying the entire floor requires this signage.
3. The area variance is not substantial. I have mentioned it already that we have other signs along the West Road corridor that exceed the code and certainly this building is designed to handle a sign of this magnitude, especially with the applicant's testimony that he is making the sign panel to fit this particular sign.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or the district. Again, this is a commercial corridor with many signs along the entire West Ridge Road.
5. The alleged difficulty was self-created when he built the building, which is relevant to the decision of the Board but does not preclude the granting of this application.

WHEREAS, I am going to move that we approve the sign as requested, with the following conditions:

1. That the tenant regulate the other tenants of the building so that they don't park vehicles identifying their business in that upper parking lot along West Ridge Road

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corridor. That was discussed during the testimony and the applicant agreed to do that.

2. That no additional building-mounted sign be placed on the face of the south elevation of the building on the upper level identifying any other businesses in it.
3. This approval is granted for this particular tenant only. Should this particular tenant go away, future tenants would have to comply with the code or request a variance for the building, and if this space was ever reduced by this tenant where the tenant didn't move out, but rather saw the reduction in the size of the space they are leasing, opening up additional leasable space space on that elevation, the tenant, as part of whatever agreement the landlord has with them, would have to reduce the sign down to code so that they comply with code or apply for a variance; this variance would disappear at such time that the square footage leased by the tenant was reduced. What I don't want to see is multiple signs on that façade, a real big "Men's Wearhouse" sign, and two years from now, they want to reduce their leased space by 2000 sq. ft. and we have a huge "Men's Wearhouse" sign there and then we have some other tenant's sign also on the front of the building. If we grant the variance, it is intended to be for this tenant, and the fact that he has leased the entire floor.
4. Also, we want to limit vehicles, trailers, A-frame signs (with advertisements on them), whatever. We want to limit the amount of signage to the pylon and the sign that is being placed on the building for "Men's Wearhouse." So, with the pylon, they could have as many names as they want on it, but we want to get it limited to one building-mounted sign and a pylon sign. The building-mounted sign is large, but the building is a large building. It is a lot of leasable space, and 100-plus linear feet of frontage is a lot of space.

Seconded by Mr. Riley and duly put to a vote, which resulted as follows:

Ms. Betters
Mr. Jensen
Mr. Murphy
Mr. Rockcastle

Yes
Yes
Yes
Yes

Ms. Christodaro
Mr. Meilutis
Mr. Riley

Yes
Yes
Yes

Motion Carried
Application Approved
With Conditions

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ADJOURNMENT

The meeting was adjourned at 9:58 p.m.

The Board of Zoning Appeals of the Town of Greece, in the County of Monroe and State of New York, rendered the above decisions.

Dated: _____
Albert F. Meilutis, Chairman

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